Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
15006

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on June 4, 2007

Signature _____

Typed or printed name Paul J. Esatto, Jr.

Application Number	Filed
09/982,579	October 18, 2001

First Named Inventor
Masahiro Hashimoto

Art Unit	Examiner
2134	David Yiuk Jung

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number 30,749

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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Signature

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Telephone number

June 4, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Masahiro Hashimoto	Examiner:	David Yiuk Jung
Serial No.:	09/982,579	Art Unit:	2134
Filed:	October 18, 2001	Docket:	15006
For:	ELECTRONIC WATERMARK DETECTION DEVICE AND ELECTRONIC WATERMARK DETECTION METHOD	Dated:	June 4, 2007
Conf. No.:	7602		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to an Advisory Action of the U.S. Patent and Trademark Office mailed on April 25, 2007, Applicant respectfully requests a Pre-Appeal conference. Accordingly, the **Remarks** beginning on page 2 of this paper are submitted for your consideration.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: June 4, 2007

Paul J. Esatto, Jr.

REMARKS

I. Rejection of Claims 1 – 30 Under 35 U.S.C. § 103(a)

Claims 1 – 30 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Japanese Application No. 11-077540 issued to Shimizu et al. in view of Japanese Application No. 07-267765 issued to Kato and further in view of Japanese Application No. 09-178119 issued to Takahashi.

Regarding Shimizu et al., an apparatus and method are disclosed for detecting watermarks embedded in motion picture data based on a statistical observation value for each motion picture frame. Specifically, the Shimizu et al. reference discloses accumulating observation values from each frame and comparing those accumulated values against variable threshold values. The watermarked information is detected based on the comparison results.

However, Applicant's present invention recited in the claims teaches an electronic watermark detection device having an electronic watermark detection means for detecting an electronic watermark inserted into an image signal and indicative of at least copyright information. The claimed detection device has a detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

Thus, as the Examiner rightfully points out, Shimizu et al. fails to disclose or suggest this detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means. In addition, Shimizu et al. does not disclose or suggest that the watermark is indicative of copyright information.

The Examiner cites Takahashi as disclosing a watermark containing copyright information. However, as with Shimizu et al., Takahashi fails to disclose or suggest a detection

result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

Turning now to the Kato reference, the Examiner alleges that Kato teaches Applicant's claimed detection result adjustment means for adjusting a detection interval of the electronic watermark based on a detection result of the electronic watermark detection means.

However, Kato is directed to a digital audio tape (DAT) recording device. A DAT recording device utilizes well-known technologies that are not compatible with either the Shimizu or Takahashi references.

Kato discloses a DAT-based recording device, which detects control information in an audio digital signal that is being received by the recording device for recording onto DAT media. The conventional DAT format disclosed in Kato partitions recording tracks into PCM audio recording areas and sub-code recording areas. Specifically, the format for a DAT recording is arranged as 8 blocks of sub-code data, followed by 128 blocks of PCM audio data, and terminated with another 8 blocks of sub-code data. The information recorded in the sub-code by Kato is not a watermark, as this information is not embedded in the audio signal but rather is contained in discrete portions of the track.

Watermarks are blocks of data that are hidden in audio or video data such that the audio or video data obscures the presence of the watermark. However, since the sub-code recording areas are discretely positioned on the DAT media the sub-code data contained within these sub-code recording areas are not obscured by or hidden in the audio or video data, but rather are quite easily identifiable and retrievable. Therefore, the sub-code and watermarks serve entirely different functions and are not interchangeable.

The Kato apparatus determines if the control information has changed, and if so the Kato apparatus performs a process to change the data contained in the sub-code portion of the DAT media. The sub-code data forming process is performed only when a change in control information is detected. Since no audio data is contained within the sub-code, the control data contained in the sub-code cannot be considered to be either a watermark or inserted within the audio data. Additionally, Kato does not disclose recording image data at all.

Consequently, Kato is non-analogous art, with respect to both Shimizu et al. and Takahashi. Specifically, both Shimizu et al. and Takahashi are directed towards embedding and detecting watermarks in compressed digital image signals. However, as indicated above, Kato does not deal with watermarks whatsoever, rather the problem being solved by the Kato apparatus is shortening the processing time of a controller when processing a digital audio signal transmitted to a digital audio I/O terminal. No disclosure or suggestion is provided in Kato regarding watermarking data. Thus, the combination of Shimizu et al., Takahashi and Kato is believed to be improper.

Moreover, even if the combination were proper, the combination of Shimizu, Takahashi and Kato would fail to disclose or suggest Applicant's claimed invention. Specifically, Applicant's invention provides for detection of a watermark containing information that is indicative at least of copyright information embedded in an image signal, and based on the detection result, Applicant's invention adjusts a detection interval of the electronic watermarks.

In contrast, Kato teaches controlling when data is written into a sub-code block of a DAT media, Applicant's invention adjusts the intervals at which electronic watermarks, previously inserted into image signals, are detected, or read. Hence, since Kato only discloses adjusting when data is written to a sub-code block, rather than adjusting the interval when a watermark is

detected, or read, Kato, alone or in any proper combination with Shimizu et al. and Takahashi, fails to disclose or suggest Applicant's the features recited in independent Claims 1, 11 and 21.

Therefore, Claims 1 – 30 are believed to be allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the of the rejection with respect to Claims 1 – 30 under 35 U.S.C. § 103(a) over Shimizu et al., in view of Kato and further in view of Takahashi.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 30 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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